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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 07/11/2003 10/618,332 Robert P. Julius NPP 3.0-005 DIV CIP 5274 530 7590 09/21/2006 **EXAMINER** LERNER, DAVID, LITTENBERG, GEHMAN, BRYON P **KRUMHOLZ & MENTLIK** ART UNIT PAPER NUMBER 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090 3728

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/618,332	JULIUS, ROBERT P.	
	Examiner	Art Unit	
	Bryon P. Gehman	3728	
The MAILING DATE of this communication	appears on the cover sheet	with the correspondence add	ress –
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. $\boxtimes$ The amendment filed on <u>21 August 2006</u> under 37 CF	R 1.312 has been considered,	and has been:	
a)  entered.			
b) entered as directed to matters of form not affecting	ng the scope of the invention.		
c) disapproved because the amendment was filed a	after the payment of the issue	fee.	
Any amendment filed after the date the issue	fee is paid must be accompan	ied by a petition under 37 CFR	1.313(c)(1)
and the required fee to withdraw the application	on from issue.		
d) 🛛 disapproved. See explanation below.			
e)  entered in part. See explanation below.		V.	
Applicant's amendment to the specification will not be enthe initial filing. An incorporation by reference statement new matter can be added to an application after its filing statement is included in an amendment to the specifical the application, the amendment would not be proper. Wo fan application, the reference to the prior application of application. See Dart Indus. v. Banner, 636 F.2d 684, 20	t added after an application's f g date (see35 U.S.C. 132(a)). I tion to add a benefit claim und I'hen a benefit claim under 35 U cannot include an incorporation	iling date is not effective becaus f an incorporation by reference er 35 U.S.C. 120 after the filing J.S.C. 120 is submitted after the n by reference statement of the	se no date of e filing
The status of the related applications has already been	updated by the examiner.		
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Bryon P. Gehman Primary Examiner Art Unit: 3728